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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,533	11/10/2003	Abaneshwar Prasad	100158	5405

29050 7590 03/20/2007  
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EXAMINER
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MARCHESCHI, MICHAEL A

ART UNIT	PAPER NUMBER
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1755

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/705,533

Applicant(s)

PRASAD, ABANESHWAR

Examiner

Michael A. Marcheschi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 13 and 15-25 is/are pending in the application.  
4a) Of the above claim(s) 15-25 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 3, 6-8 and 13 is/are rejected.  
7) ☒ Claim(s) 2, 4 and 5 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

In the amendment to claims, dated 12/20/06, applicants reinstated the “monosaccharide” limitation, as the biodegradable polymer repeat units, and thus in view of this amendment, the examiner is reinstating the rejection based on Shimagaki et al. (857) originally defined in the final rejection dated 6/2/06.

**NEW ART REJECTION:**

Claims 1, 3, 6-8 and 13 are rejected under 35 U.S.C. 35 U.S.C. 102(a) as obvious over Shimagaki et al. (857).

The reference teaches in sections [0063], [0073]-[0081] and claims 3 and 4, a polishing pad comprising a resin (polyurethane, etc.) matrix and particles of a substantially water insoluble polymer (cross linked polysaccharide-thus has monosaccharide repeat units) therein. Claim 18 defines that inorganic particles (i.e. metal oxide –see section [0087] can also be used (fixed abrasive pad or particles dispersed in the matrix-see sections [0084] –[0088]).

The reference teaches a polishing pad which comprises all of the claimed components since a cross-linked polysaccharide material is used and this would constitute one of the biodegradable polymers of claim 1 because a polysaccharide it is based on monosaccharide repeat units. With respect to the polishing pad being in the claimed form, the polishing pad of

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the reference comprises a resin (polyurethane, etc.) matrix and particles of a substantially water insoluble polymer (polysaccharide) therein, thus reading on the claimed form. In view of this, the instant claims are anticipated by the reference.

Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicants state that the insertion of the limitation of claim 14 (objected to in the previous office action as being allowable) into claim 1 renders the art moot. The examiner acknowledges the objection to claim 14, as previously defined, but this objection was based on claim 1 not containing a recitation of "monosaccharide". Although Shimagaki et al. (857), was used in the previous final rejection, this rejection was withdrawn because applicants cancelled, in the amendment of 7/24/06, the recitation of monosaccharide from claim 1. The instant amendment reinstates the "monosaccharide" limitation, as the biodegradable polymer repeat units in claim 1, and thus in view of this amendment, the examiner is reinstating the rejection based on Shimagaki et al. (857) and can make this action final. All of applicants argument presented in the response dated 7/24/06 pertain to this reference as not teaching the claims, as amended, which cancelled the recitation of "monosaccharide".

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claims 2, 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record fails to teach or suggest the limitations of these claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Marcheschi whose telephone number is (571) 272-1374. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/07  
MM

Michael A Marcheschi  
Primary Examiner  
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